

all defendants, are dismissed with prejudice for the reasons stated in Magistrate Judge Spero's order denying plaintiff's motion to remand filed on July 15, 2005. Plaintiff agrees to this dismissal of causes of action for IIED and NIED against all defendants based upon Magistrate Judge Spero's stated intention to dismiss all such claims when ruling on defendant's summary judgment motion.

3. Plaintiff reserves the right to appeal the dismissal of James McGrath as defendant and the dismissal of plaintiff's causes of action for IIED and NIED upon resolution of this matter in U.S. District Court.
4. Plaintiff retains his cause of action for wrongful termination in violation of public policy against defendant Circuit City Stores, Inc.

So Stipulated.

Dated: August 11, 2005

/s/ ANTHONY P. O'BRIEN
ANTHONY P. O'BRIEN
Attorney for Plaintiff Joseph Cocchi

Dated: August 11, 2005

/s/ REX DARRELL BERRY
REX DARRELL BERRY
Attorney for Defendants Circuit City Stores, Inc.
and James McGrath

So Ordered.

Dated: August 12, 2005


UNITED STATES MAGISTRATE JUDGE
Joseph C. Spero